REMARKS

Favorable reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended. The amendment to claim 1 is supported by the original disclosure, for example at page 23, lines 9-16 of the present specification. Claims 1-2, 4-11 and 13-31 are pending. No new matter has been added.

Further to the Remarks in our Response filed May 18, 2010, claim 1 recites that the tetrazolium compound and the sodium azide are present at the same time during the redox reaction. When the tetrazolium compound and sodium azide are present at the same time during the redox reaction as recited in claim 1, the sensitivity becomes about 1.2 to 3 times greater than in the case where they are not added (see page 23, lines 9-12 of the present specification).

Komori, Ishimaru, Montellano and Fry are silent as to the presence of a tetrazolium compound and sodium azide at the same time during the redox reaction as recited in claim 1. Although Kwan mentions that sodium azide can be added in their system for measuring fructosamine, Kwan is directed to a completely different method using completely different components for the measurement of their analyte. Nothing in the references teaches or suggests the presence of a tetrazolium compound and sodium azide at the same during the redox reaction in a method that utilizes the amount of hydrogen peroxide generated by the FAOD for the measurement of the glycated protein, as recited in claim 1 or the benefits. Accordingly, the references are further removed from claim 1 and its dependent claims.

With regard to Fry, Fry teaches that free amino acids that are glycated form in parental nutritional solutions used for intravenous feeding, and further teaches that these products can enter circulation of the patients infused with these solutions during intravenous feeding. However, Fry does not provide any guidance or experimental data showing that these products would have any influence on the measurement system of glycated protein, let alone provide any reason to expect that FAOD could be added as a pretreatment so as to achieve a more accurate measurement of glycated protein. On the other hand, Applicants have found for the first time that the free amino acids that are glycated actually affect the measurement system of glycated protein, and a solution to address such problems.

The rejection appears to contend that it would have been obvious to recognize that the free amino acid that are glycated present in the nutritional solutions would interfere with the

measurement of the glycated protein in patients that have been administered with such solutions, and as such, it would have been obvious to combine Fry with Komori and Yoshida and achieve the features of claim 1. However, even accepting arguendo that it would have been obvious to recognize that the nutritional solution, when added to a patient, would interfere with the measurement of the glycated protein, there would not have been a reasonable expectation of success in obtaining a more accurate measurement of the glycated protein by adding FAOD beforehand. That is, from the teachings of Komori and Yoshida, one would in fact expect that the interfering glycated amino acids would also be measured if FAOD is added beforehand, and therefore, one in fact would expect an inaccurate measurement of the glycated protein. Applicants have found that by using the degradation FAOD as recited in the method of claim 1, the interfering glycated amino acids can be removed and thereby obtain a more accurate measurement of the glycated protein. Accordingly, claim 1 and its dependent claims are patentable over the references, taken alone or together.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.

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Respectfully submitted,

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: _____
Douglas P. Mueller
Reg. No. 30,300

DPM/ym